

Worksession

Agenda Item #	20
Meeting Date	June 21, 2004
Prepared By	Sara Anne Daines ECD Director
Approved By	Richard M. Finn City Manager

Discussion Item	Code Enforcement Update - AC units in rental units
Background	<p>The City Council has asked for an update on certain inspection activities as they relate to the enforcement of electrical code requirements affecting window air conditioning units. Of specific interest is the enforcement of Section 26-6 (a) (6) of the Montgomery County Housing and Building Standards Code. The code was adopted by the City Council in 2003 and serves as the City's Property Maintenance Code.</p> <p>The code requires that "(e)ach individual room air conditioning unit, regardless of its current rating, must be served by not less than an individual 20-amp circuit using No. 12 copper wire which terminates in a single receptacle." Landlords cited for violation of this requirement have been given two options by the County inspection staff: to either install the required service or remove the individual window units.</p> <p>Additional information on the impact of the enforcement of this requirement is included in the accompanying newsletter article.</p> <p>Representatives from the Department of Housing and Community Affairs will be in attendance to discuss the requirements of the code and its enforcement.</p>
Policy	To enforce minimum standards of health and safety, fire protection, light and ventilation, cleanliness, repair and maintenance, and occupancy of rental housing residences.
Fiscal Impact	Not Applicable
Attachments	<ul style="list-style-type: none"> • Code Requirements • Takoma Park Newsletter Article
Recommendation	Receive report - no action required.
Special Consideration	

Montgomery County Code**Chapter 26, Housing and Building Standards (*)**

Sec. 26-6. Basic equipment and facilities.

1. All equipment and facilities must be properly installed, maintained, and kept in good repair. The owner of any dwelling or dwelling unit must assure compliance with the following standards during human habitation:

- (a) *Electric service.* Where electric service is available from power lines which are not more than 300 feet away, each dwelling, dwelling unit, personal living quarters, transient lodging facility, and all public and common areas must be supplied with electric service, outlets and fixtures which are properly installed, maintained in good and safe working condition, and connected to the source of electric power in a manner consistent with applicable County regulations. The capacity of the services and the number of outlets and fixtures must meet the following requirements:
 - (1) Every habitable room must have an electric service and outlets or fixtures, or both, capable of providing at least 3 watts per square foot of floor area.
 - (2) Every habitable room must have at least one floor or wall electric convenience outlet for each 60 square feet of floor area, and in no case less than 2 outlets.
 - (3) Every water closet compartment, bathroom, laundry room, furnace room and public hall must contain at least one supplied ceiling or wall electric light fixture.
 - (4) Every cooking area must be supplied with at least one circuit rated for at least 20 ampere service capacity.
 - (5) Circuit breakers, fuses and other circuit protection devices must:
 - (A) not exceed the rated capacity of the circuit; and
 - (B) be sufficient for normal household use.
 - (6) **Each individual room air conditioning unit, regardless of its current rating, must be served by not less than an individual 20-amp circuit using No. 12 copper wire which terminates in a single receptacle.**

(*) Adopted by Takoma Park Ordinance #2003-24 June 30, 2003

Window Air Conditioner Units: Recent Developments

Moses A. Wilds, Jr.

Landlord-Tenant Coordinator

In recent months a number of Takoma Park landlords have received violation notices or citations from Montgomery County because the wiring in their buildings was not in compliance with the Property Maintenance Code - Housing and Building Standards. Approximately 125 properties throughout the city have been affected.

Section 26-6 (a) (6) of the County Code indicates that each individual conditioning unit, regardless of its current rating, must be served by not less than an individual 20-amp circuit using No. 12 copper wire which terminates in a single receptacle. This section of the Code, adopted by the City in June 2003, raises a number of questions and concerns as confirmed by recent calls to the Landlord-Tenant Office.

Landlords whose buildings do not have single dedicated outlets for window a/c units, must decide what they can do, within the parameters of the Code, to allow their tenants to continue receiving the cooling benefits that air conditioning provides. Tenants as they approach the hot and humid days of summer want to know what remedies are available to them if they no longer have air conditioning.

Landlords can rewire their buildings to comply with the County Code requirement, which would allow for the continued use of the window a/c units, or they can have the units removed. Tenants, faced with the loss of air conditioning, may file a complaint with the Office of Landlord and Tenant Affairs for review by the Commission on Landlord and Tenant Affairs (COLTA).

The City has contacted landlords and their agents encouraging them to continue to provide air conditioning to their tenants. Two ways of offsetting the cost of upgrading the electrical service were identified.

- If there are forty or less units in the building, the landlord could apply for a low interest loan through the Montgomery County Small Properties Rehabilitation Program for funding to cover the costs of the required electrical work and/or other building upgrades. For program information contact Cedric Brown, Program Manager (240-777-3664).
- If the property is subject to rent stabilization, the landlord could submit a Capital Improvement Petition which, upon its approval, could allow for rent increases above the annual allowance in units where the new service is provided. Capital Improvement Petition information and application forms may be obtained from Ms. Jean Kerr, Housing Specialist (301-891-7216);

The remedies available to tenants and landlords affected by the recent enforcement actions of the County vary from one property to another and are governed in large part by the lease arrangements made by the two parties. In reviewing their options, landlords and tenants should be aware of the following.

- Where removal of the a/c unit is the option exercised by landlords who pay electricity charges and the lease indicates that a/c is provided (or the landlord owns the a/c unit), the landlord may be required by order of the Commission on Landlord-Tenant Affairs (COLTA) to restore the a/c or reduce the rent for the affected rental unit. A complaint would have to be filed by the affected tenant before a COLTA order would be issued.
- In instances where the lease is silent on the provision of a/c but the rental unit had a window a/c unit when the tenancy commenced and the landlord is responsible for electricity charges, the landlord may be required, subject to a subsequent COLTA Order, to restore the a/c or to reduce rent. A complaint would have to be filed by the affected tenant before a COLTA order would be issued.
- Tenants in buildings where their lease allowed for a tenant supplied a/c unit if they paid an additional fee for the air conditioning during the summer months may seek to have the a/c restored voluntarily by the landlord, seek a voluntary rent reduction from the landlord for the loss of the previously available service, or file a complaint with COLTA.

For more information on these options (and how to submit a COLTA complaint), please contact Moses A. Wilds, Jr. at the Landlord-Tenant Office by calling 301-891-7215 or by e-mail at MosesW@takoma park.gov.

What should you do if the temperature soars and you do not have access to air conditioning?

The Red Cross suggests the residents go to the mall, attend a movie, or visit the local community center.

The District of Columbia also offers metro area residents access to the following “Cooling Centers” where air conditioning is provided during excessively hot weather.

Reeves Center (2000 14th Street NW)
Judiciary Square (441 4th Street NW)

Call 202-399-7093 to confirm availability and hours.